

**EXPLANATORY MEMORANDUM TO**  
**THE MINES REGULATIONS (NORTHERN IRELAND) 2016**

**S.R. 2016 No. 427**

**1. Introduction**

- 1.1 This Explanatory Memorandum has been prepared by the Department for the Economy and the Department of Justice ("the Departments") to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2 The Statutory Rule is made under Articles 2(5), 4(4) and (6), 17(1) to (6) and (8), 20(2), 40(2) and (4), 43(3), 45, 54(1) and 55(2) of, and paragraphs 1(1), 1(2), 1(3) and 1(4), 2, 3, 5, 6, 7, 8, 9, 10, 11, 12(1), 12(3), 13, 14(1), 15, 17, 18, 19 and 20 of Schedule 3 to, the Health and Safety at Work (Northern Ireland) Order 1978 and is subject to the negative resolution procedure.
- 1.3 The Rule is due to come into operation on 1 February 2017.

**2. Purpose**

- 2.1 The Statutory Rule will consolidate and modernise the law on health and safety in mines in Northern Ireland.
- 2.2 The Rule is intended to protect people working at mines in Northern Ireland by ensuring that there is a duty on the mine operator to manage and control the major hazards at mines (fire, flammable/explosive gases and dust, ground movement, inrushes of water or other materials, transport through shafts, mass transport below ground and the use of explosives). The primary purpose of the Regulations is to replace the existing law with a single set of modern regulations that retain necessary protection for mineworkers and others and clearly place the duties to ensure health and safety on the mine operator. They also remove outdated and redundant legislation, prescription and duplication.

**3. Background**

- 3.1 The unique nature of underground mining and its associated hazards has meant that there was a substantial suite of mine-specific health and safety legislation introduced between 1969 and 1999. Alongside this very specific legislation, increasingly more generic health and safety legislation covering a range of topics has been introduced e.g. the Dangerous Substances and Explosive Atmospheres Regulations (Northern Ireland) 2003 (DSEAR) and the Provision and Use of Work Equipment Regulations (Northern Ireland) 1999 (PUWER). This legislation of general application covers matters that were already

contained in mine-specific legislation, thereby creating unnecessary duplication. The Regulations remove much of the duplication while retaining controls over specific mining hazards.

- 3.2 One of the recommendations contained in the report 'Reclaiming Health and Safety for All 'An independent review of health and safety legislation' by Professor Ragnar Lofstedt was that the law on health and safety in mines in Great Britain should be consolidated and modernised. This recommendation was made on the basis that the consolidation process should not reduce the health and safety protection afforded by the current regulations. The UK Government accepted this recommendation and committed to delivering revised regulations. The case for consolidation and modernisation of mining legislation was also accepted in Northern Ireland.
- 3.3 The current legislation places most duties on the individual mine manager rather than the business that operates the mine and is a legacy of a nationalised coalmining industry in Great Britain when the State was the employer. This is an outdated arrangement and therefore in the Regulations the main duties will be placed on the operator of the mine, i.e. the person or corporate body in overall day to day control of the mine.
- 3.4 In addition to the requirements covering the mining major hazards, there are also provisions to ensure suitable escape and rescue, ventilation and management of tips.
- 3.5 The Regulations will replace 28 sets of regulations/orders and repeal substantial parts of the Mines Act (Northern Ireland) 1969 (Appendix 1).

#### **4. Consultation**

- 4.1 A consultation exercise ran from 5 August 2015 to 4 November 2015. There were approximately 500 consultees, including individuals and bodies representative of section 75 of the Northern Ireland Act 1998 and other organisations with an interest in equality and related issues (including each member of the Northern Ireland Assembly).
- 4.2 One submission was received from a mining operator in response to the consultation. A number of points were raised regarding the scope and application of the Regulations. In response the Health and Safety Executive for Northern Ireland (HSENI) provided clarification regarding the intentions underpinning the new Regulations and the additional supporting guidance which provides practical advice to dutyholders on how to comply with the Regulations.

#### **5. Equality Impact**

- 5.1 The Statutory Rule has been screened for any possible impact on equality of opportunity affecting the groups listed in section 75 of the

Northern Ireland Act 1998 and no adverse or differential aspects were identified.

## **6. Regulatory Impact**

6.1 Since any overall costs or savings would be negligible, a Northern Ireland Regulatory Impact Assessment has not been required.

## **7. Financial Implications**

7.1 The proposed Regulations contain no requirements, relevant to current mine operators that they are not already meeting. Some one-off familiarisation of the new Regulations will be required but it is anticipated that this will involve ten or so key people who would disseminate the information to the rest of the workforce. There is potential for savings in relation to a reduced requirement to make notifications to HSENI. In addition, the proposed Regulations would make compliance simpler for operators and would take less time for new users to read and understand.

## **8. Section 24 of the Northern Ireland Act 1998**

8.1 It is the view of the Departments that these Regulations are compatible with section 24 of the Northern Ireland Act 1998.

## **9. EU Implications**

9.1 The Statutory Rule transposes European Directive 92/104/EEC on the minimum requirements for improving the safety and health protection of workers in surface and underground mineral extracting industries.

## **10. Parity of Replicatory Measure**

10.1 In Great Britain the corresponding Statutory Instrument is the Mines Regulations 2014 (S.I. 2014/3248), which was made on 8 December 2014 and came into force on 6 April 2015.

## **11. Additional Information**

11.1 N/A

Department for the Economy  
Department of Justice

December 2016

**List of revocations**

Miscellaneous Mines (General Regulations) Order (Northern Ireland) 1970 (S.R. 1970 No. 104)

Miscellaneous Mines (Explosives Regulations) Order (Northern Ireland) 1970 (S.R. 1970 No. 106)

Mines (Medical Examinations) Regulations (Northern Ireland) 1970 (S.R. 1970 No. 122)

Mines (Manner of Search for Smoking Materials) Order (Northern Ireland) 1970 (S.R. 1970 No. 123)

Mines (References) Rules (Northern Ireland) 1970 (S.R. 1970 No. 124)

Coal and Other Mines (Ventilation) Regulations (Northern Ireland) 1970 (S.R. 1970 No. 125)

Coal and Other Mines (Precautions against Inrushes) Regulations (Northern Ireland) 1970 (S.R. 1970 No. 127)

Coal and Other Mines (Managers and Officials) Regulations (Northern Ireland) 1970 (S.R. 1970 No. 128)

Coal and Other Mines (Fire and Rescue) Regulations (Northern Ireland) 1970 (S.R. 1970 No. 129)

Coal and Other Mines (First-Aid) Regulations (Northern Ireland) 1970 (S.R. 1970 No. 131)

Coal and Other Mines (Shafts, Outlets and Roads) Regulations (Northern Ireland) 1970 (S.R. 1970 No. 132)

Coal and Other Mines (General Duties and Conduct) Regulations (Northern Ireland) 1970 (S.R. 1970 No. 133)

Coal and Other Mines (Surveyors and Plans) Regulations (Northern Ireland) 1970 (S.R. 1970 No. 135)

Coal and Other Mines (Sanitary Conveniences) Regulations (Northern Ireland) 1970 (S.R. 1970 No. 136)

Coal and Other Mines (Safety-Lamps and Lighting) Regulations (Northern Ireland) 1970 (S.R. 1970 No. 138)

Coal and Other Mines (Mechanics and Electricians) Regulations (Northern Ireland) 1970 (S.R. 1970 No. 139)

Coal and Other Mines (Precautions against Inflammable Dust) Regulations (Northern Ireland) 1970 (S.R. 1970 No. 140)

Stratified Ironstone, Shale and Fireclay Mines (Explosives) Regulations (Northern Ireland) 1970 (S.R. 1970 No. 141)

Mines (Emergency Egress) Regulations (Northern Ireland) 1975 (S.R. 1975 No. 35)

Mines and Quarries (Repeals and Modifications) Regulations (Northern Ireland) 1980 (S.R. 1980 No. 333)

Mines (Metrication) Regulations (Northern Ireland) 1991 (S.R. 1991 No. 239)

Miscellaneous Mines (Metrication) Regulations (Northern Ireland) 1991 (S.R. 1991 No. 371)

Coal and Other Mines (Metrication) Regulations (Northern Ireland) 1991 (S.R. 1991 No. 453)

Mines and Quarries (Tips and Tipping Plans) Regulations (Northern Ireland) 1995 (S.R. 1995 No. 296)

Mines Miscellaneous Health and Safety Provisions Regulations (Northern Ireland) 1995 (S.R. 1995 No. 379)

Mines (Substances Hazardous to Health) Regulations (Northern Ireland) 1998 (S.R. 1998 No. 67)

Mines (Safety of Exit) (Regulations) (Northern Ireland) 1998 (S.R. 1998 No. 375)

Escape and Rescue from Mines Regulations (Northern Ireland) 1999 (S.R. 1999 No. 173)

### **List of Repeals**

Mines Act (Northern Ireland) 1969

Sections 1 to 20, 28, 30 and 31, 36 and 37, 39 to 46, 48 and 49, 51 to 56, 58 to 62, 64 to 67, 69, 73 to 77, 79 and 80, 83 and 84, 86 to 91, 94 and 95, 97, 105, 112 to 116, 118 and 119, 120 (5), 122, 126 to 128, 132, 136, 140, 145 and 146, 148 and 149, 158 (2) and (3)(b), 160, 163, Schedule 3 and Schedule 5